

**U.S. District Court
North Carolina Middle District (NCMD)
CIVIL DOCKET FOR CASE #: 1:11-cv-00969-CCE-JEP**

JACOBSON v. NATIONAL PASSENGER RAILROAD CORP Date Filed: 11/10/2011
Assigned to: JUDGE CATHERINE C. EAGLES Date Terminated: 02/22/2013
Referred to: MAG/JUDGE JOI ELIZABETH PEAKE Jury Demand: None
Cause: 05:552 Freedom of Information Act Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**ERNST A. JACOBSON**

represented by **ERNST A. JACOBSON**
4 SPRUCE LANE
PINEHURST, NC 28374
PRO SE

V.

Defendant

**NATIONAL PASSENGER
RAILROAD CORP**
also known as
AMTRAK

represented by **MICHAEL G. CLEVELAND**
VEDDER PRICE, P. C.
222 N. LASALLE ST., STE. 2600
CHICAGO, IL 60601
312-609-7860
Fax: 312-609-5005
Email: mcleveland@vedderprice.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

CARA J. OTTENWELLER
VEDDER PRICE, P. C.
222 N. LASALLE ST., STE. 2600
CHICAGO, IL 60601
312-609-7735
Fax: 312-609-5005
Email: cottenweller@vedderprice.com
ATTORNEY TO BE NOTICED

MARY HOLSENBECK CROSBY
PARKER POE ADAMS & BERNSTEIN
LLP
THREE WACHOVIA CTR.
401 S. TRYON ST., STE. 3000
CHARLOTTE, NC 28202
704-335-9017
Fax: 704-335-9702
Email: marycrosby@parkerpoe.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/10/2011	<u>1</u>	APPLICATION to Proceed IFP by ERNST A. JACOBSON. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5) (Sheets, Jamie) (Entered: 11/14/2011)
11/10/2011	<u>2</u>	COMPLAINT against NATIONAL PASSENGER RAILROAD CORP, filed by ERNST A. JACOBSON. (Sheets, Jamie) Modified on 11/14/2011 to reflect correct file date. (Sheets, Jamie) (Entered: 11/14/2011)

11/10/2011	<u>3</u>	CIVIL COVER SHEET. (Sheets, Jamie) (Entered: 11/14/2011)
11/15/2011		Case Assigned to UNASSIGNED and MAG/JUDGE P. TREVOR SHARP. (Sheets, Jamie) (Entered: 11/15/2011)
11/15/2011		Motion Referred: <u>1</u> APPLICATION to Proceed IFP to MAG/JUDGE P. TREVOR SHARP. (Sheets, Jamie) (Entered: 11/15/2011)
11/29/2011	<u>4</u>	ORDER signed by MAG/JUDGE P. TREVOR SHARP on 11/29/2011, granting <u>1</u> Motion for Application to Proceed IFP; that Plaintiff in the above-entitled proceeding be, and is hereby, permitted to commence said proceeding in this Court without prepayment of fees or costs, or giving security therefor. [28 U.S.C. 1915(a)] Plaintiff is responsible for preparing and delivering to the Clerk, the correct summons for service on each defendant, including the correct address and the name and title of the individual to be served on behalf of a corporation, association, infant, incompetent or government agency. Failure to prepare and deliver said summons within 15 days from the filing of this order shall result in this case being dismissed without further notice. The U.S. Marshal shall serve the summons and complaint upon Defendant. (Sheets, Jamie) (Entered: 11/29/2011)
11/29/2011	<u>5</u>	Summons Issued as to NATIONAL PASSENGER RAILROAD CORP. (Sheets, Jamie) (Entered: 11/29/2011)
11/29/2011	<u>6</u>	Notice of Right to Consent. Plaintiff shall serve the attached form on all parties. (Sheets, Jamie) (Entered: 11/29/2011)
01/03/2012	<u>7</u>	ANSWER to <u>2</u> Complaint by NATIONAL PASSENGER RAILROAD CORP. (HOLSENBECK, MARY) (Entered: 01/03/2012)
01/11/2012	<u>8</u>	NOTICE of Appearance by attorney MICHAEL G. CLEVELAND on behalf of Defendant NATIONAL PASSENGER RAILROAD CORP (CLEVELAND, MICHAEL) (Entered: 01/11/2012)
01/11/2012	<u>9</u>	NOTICE of Appearance by attorney CARA J. OTTENWELLER on behalf of Defendant NATIONAL PASSENGER RAILROAD CORP (OTTENWELLER, CARA) (Entered: 01/11/2012)
01/11/2012	<u>10</u>	USMS Return of Service for Complaint, Summons, Notice served on NATIONAL PASSENGER RAILROAD CORP by ERNST A. JACOBSON on 12/8/11. (Law, Trina) (Entered: 01/12/2012)
01/18/2012	<u>11</u>	NOTICE of Initial Pretrial Conference Hearing: Initial Pretrial Conference Hearing set for 2/23/2012 09:30 AM in Winston-Salem Courtroom #3. (Garrett, Kim) (Entered: 01/18/2012)
01/20/2012	<u>12</u>	NOTICE of Intent to File Dispositive Motions by Defendant NATIONAL PASSENGER RAILROAD CORP (CROSBY, MARY) (Entered: 01/20/2012)
02/07/2012		Case Reassigned to MAG/JUDGE JOI ELIZABETH PEAKE. MAG/JUDGE P. TREVOR SHARP no longer assigned to the case. (Powell, Gloria) (Entered: 02/07/2012)
02/21/2012	<u>13</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Defendant NATIONAL PASSENGER RAILROAD CORP (CLEVELAND, MICHAEL) (Entered: 02/21/2012)
02/21/2012	<u>14</u>	MOTION for Summary Judgment by NATIONAL PASSENGER RAILROAD CORP. Responses due by 3/26/2012 (CLEVELAND, MICHAEL) (Entered: 02/21/2012)
02/21/2012	<u>15</u>	BRIEF re <u>14</u> MOTION for Summary Judgment by Defendant NATIONAL PASSENGER RAILROAD CORP filed by NATIONAL PASSENGER RAILROAD CORP. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(CLEVELAND, MICHAEL) (Entered: 02/21/2012)
02/21/2012	<u>16</u>	Rule 26(f) Report (Individual). Responses due by 3/16/2012 by NATIONAL PASSENGER RAILROAD CORP.(CLEVELAND, MICHAEL) (Entered: 02/21/2012)

02/22/2012		Motions Referred: <u>16</u> Rule 26(f) Report (Individual) to MAG/JUDGE JOI ELIZABETH PEAKE– (Garrett, Kim) (Entered: 02/22/2012)
02/22/2012	<u>17</u>	Roseboro Letter as to Plaintiff ERNST A. JACOBSON. Right to Respond to pleading no. <u>14</u> MOTION for Summary Judgment. (Taylor, Abby) (Entered: 02/22/2012)
02/23/2012		Minute Entry for proceedings held before MAG/JUDGE JOI ELIZABETH PEAKE: Initial Pretrial Conference held on 2/23/2012. Pro Se Ernst A. Jacobson present, Attorney Mary Crosby present for defendant. Written order forthcoming. Proceedings recorded. (Garrett, Kim) (Entered: 02/23/2012)
02/23/2012	<u>18</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 02/23/2012. IT IS THEREFORE ORDERED that discovery is STAYED while this case proceeds on the pending Motion for Summary Judgment, until otherwise ordered by the Court.(Taylor, Abby) (Entered: 02/23/2012)
03/20/2012	<u>19</u>	MOTION for Extension of Time to File Response re <u>14</u> MOTION for Summary Judgment by ERNST A. JACOBSON. (Law, Trina) (Entered: 03/21/2012)
03/21/2012		Motions Referred: <u>19</u> MOTION for Extension of Time to File Response/Reply to MAG/JUDGE JOI ELIZABETH PEAKE– (Garrett, Kim) (Entered: 03/21/2012)
03/21/2012	<u>20</u>	RESPONSE re <u>19</u> MOTION for Extension of Time to File Response filed by NATIONAL PASSENGER RAILROAD CORP. Replies due by 4/9/2012. (CLEVELAND, MICHAEL) (Entered: 03/21/2012)
03/30/2012	<u>21</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 03/30/2012. IT IS THEREFORE ORDERED that Plaintiff's "Motion to Extend Time to Respond to Summary Judgement" [Doc. # <u>19</u>] is GRANTED, and Plaintiff has to and including April 18, 2012, within which to file a response to Defendants summary judgment motion. Responses due by 4/18/2012 (Taylor, Abby) (Entered: 03/30/2012)
04/18/2012	<u>22</u>	MOTION to Withdraw Document <u>2</u> Complaint by ERNST A. JACOBSON. (Law, Trina) (Entered: 04/19/2012)
04/23/2012	<u>23</u>	RESPONSE re <u>22</u> MOTION to Withdraw Document <u>2</u> Complaint by NATIONAL PASSENGER RAILROAD CORP. Replies due by 5/10/2012. (CLEVELAND, MICHAEL) (Entered: 04/23/2012)
05/11/2012		Motions Referred: <u>14</u> MOTION for Summary Judgment, <u>22</u> MOTION to Withdraw Document <u>2</u> Complaint to MAG/JUDGE JOI ELIZABETH PEAKE. (Williamson, Wanda) (Entered: 05/11/2012)
01/22/2013	<u>24</u>	MEMORANDUM OPINION AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE signed by MAG/JUDGE JOI ELIZABETH PEAKE on 1/22/13, RECOMMENDING that Plaintiff's Motion to Withdraw Complaint [Doc. # <u>22</u>] be granted, and that this action be dismissed without prejudice. FURTHER that Defendant's Motion for Summary Judgment [Doc. # <u>14</u>] and Defendant's Rule 26(f) individual report [Doc. # <u>16</u>] be denied as moot. (Law, Trina) (Entered: 01/22/2013)
01/22/2013	<u>25</u>	Notice of Mailing Recommendation re: <u>24</u> . Objections to RRdue by 2/8/2013. (Law, Trina) (Entered: 01/22/2013)
01/29/2013		Case Reassigned to JUDGE CATHERINE C. EAGLES. UNASSIGNED no longer assigned to the case. (Powell, Gloria) (Entered: 01/29/2013)
02/19/2013		CASE REFERRED RE: <u>24</u> , to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 02/19/2013)
02/22/2013	<u>26</u>	ORDER AND JUDGMENT signed by JUDGE CATHERINE C. EAGLES on 2/22/13, adopting the Magistrate Judge's Recommendation, that Plaintiff's Motion to Withdraw Complaint [Doc. # <u>22</u>] is GRANTED, Defendant's Motion for Summary Judgment [Doc. # <u>14</u>] and Defendant's Rule 26(f) individual report [Doc. # <u>16</u>] are DENIED as moot, and this action is DISMISSED without prejudice. (Law, Trina) (Entered: 02/22/2013)